

## **STAFF REPORT**

**DATE:** February 27, 2018

**TO:** Board of Adjustment

**FROM:** Zoning Administration  
Planning & Development  
Services Department

**ACTIVITY NO. T19SA00035**

**C10-19-07 SIT STAY PLAY / JANET GALANTE / 302 SOUTH PLUMER AVENUE, I-1**

The applicant's property is an approximately .65 acre site developed with two buildings and is zoned I-1 "Industrial". The applicant is proposing to redevelop the site with demolition of a building and construction of two new buildings, and to change the use to an animal service, which triggers full code compliance.

### **THE APPLICANTS' REQUESTS TO THE BOARD**

The applicant is requesting the following variances:

1. In lieu of providing 18 parking spaces onsite, retain the existing 10 parking spaces located in right-of-way and allow maneuvering directly into the street.
2. Allow dumpster access and maneuvering in the right-of-way.
3. In lieu of concrete, allow asphalt surface material for sidewalks along 13<sup>th</sup> Street and Plumer Avenue, as shown on submitted plans.
4. Eliminate and modify onsite pedestrian circulation between buildings, trash, bicycle parking and motor vehicle parking, and provide as shown on the submitted plans.
5. Allow shade structure to be constructed with a side street building setback reduced from 10' to 0', as measured from the side street lot line of 13<sup>th</sup> Street.
6. Allow new building to be constructed with a front street building setback reduced from 24' to 15', as measured from the front street lot line of Plumer Avenue.
7. In lieu of a 10' wide street landscape border along 13<sup>th</sup> Street, provide planting areas as shown on the submitted plans.
8. In lieu of a 10' wide street landscape border along Plumer Avenue, provide planting areas as shown on the submitted plans.

9. Modify the screening height requirement from 6' maximum, to allow the existing approximately 8' tall wall to remain and serve as the screen wall along Plumer Avenue and to allow construction of a matching 8' tall screen along 13<sup>th</sup> Street, all as shown on the submitted plans.

### **APPLICABLE TUCSON ZONING CODE SECTIONS**

Tucson *Unified Development Code (UDC)* sections applicable to this project include, in part, the following:

*Section 4.7.29 and Table 4.8-7* which provides the criteria for commercial development in the I-1 zone; and

*Section 7.4*, for required number of parking spaces, location of parking and maneuverability criteria; and

*Section 7.15* pertaining to dumpster access and maneuvering requirements; and

*Section 7.8*, for pedestrian refuge, surface and access requirements; and

*Section 6.4.5.*, pertaining to minimum required building setbacks from front and side street perimeter lot lines, and

*Section 6.6.2.*, perimeter yard wall height and setback modifications, and

*Section 7.6.*, pertaining to landscape and screening standards for the development.

### **GENERAL DEVELOPMENT INFORMATION**

#### **Zoning and Land Use**

**SITE: ZONED I-1; (animal service use)**

North: Zoned I-1; (across 13<sup>th</sup> Street: commercial use)

South: Zoned I-1; (commercial use)

East: Zoned I-1; (across Plumer Avenue, commercial use)

West: Zoned I-1; (commercial use)

### **RELATED PLAN REVIEWS**

#### **Engineering**

The Engineering Section of Planning and Development Services Department has no objection/adverse comments. This site has no floodplain or special drainage concerns.

#### **Design Review Board (DRB)**

Zoning regulations require requests for landscaping and/or screening variances to be reviewed by the DRB for recommendation to the Board of Adjustment. The variance requests were reviewed by the DRB (Case DRB-19-01) on February 15, 2019. The DRB recommends approval of the requested variances, with the following conditions:

1. Landscape borders to be provided on 13<sup>th</sup> Street and Plumer Avenue, as shown on revised plans with the addition of appropriate trees per Code requirements.

#### **BOARD OF ADJUSTMENT FINDINGS**

The Board of Adjustment can hear and decide a variance request from the regulations listed in the Unified Development Code. The Board may grant a variance only if it finds the following:

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property.
3. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
4. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC.
5. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood.
7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions which are in question.

#### **ZONING ADMINISTRATION CONSIDERATIONS**

The applicant's property is an approximately .65 acre site developed with two buildings and is zoned I-1 "Industrial". The applicant is proposing to redevelop the site with demolition of a building and construction of two new buildings, and to change the use to an animal service, which triggers full code compliance.

#### **Parking, location and maneuverability**

Per UDC Section 7.4, regarding the number, location and permitted areas for maneuvering of parking spaces; the applicant is requesting to delete on site parking, and in lieu, propose to provide 10 parking spaces in the right of way, with maneuvering also within the right of way. The planned 7,320 square foot building area of the proposed animal service use would require 18 on site parking spaces.

#### **Trash collection and access**

Per *UDC Section 7.15*, pertaining to dumpster access and street maneuvering requirements further specified in Technical Standards Manual Section 8-01.5.3., requires service access from within the development and further defines safe operational and maneuvering areas. The applicant is requesting a variance to allow dumpster access and maneuvering in the street.

#### **Pedestrian access**

Per *UDC Section 7.8 9 (Access)*, changes of use should provide reasonable improvements for pedestrian facilities, in accordance with substantive requirements of Section 7-01.0.0, Pedestrian Access of the Technical Standards Manual. The minimum width of 4' wide pedestrian refuge is required between a building and parking area, and to connect to dumpsters and all buildings on site, comprised of specific form of acceptable materials. Due to site constraints, such as existing building location and parking spaces located within the right of way, and the proposal to add a dumpster to be serviced from right of way, the applicant is requesting to delete the requirement for pedestrian access to the dumpster, delete pedestrian access between all buildings on site, delete pedestrian access to the western portion of the parking area in the right of way, as depicted on the plans; provide only pedestrian refuge along the short term bicycle parking area and not include pedestrian access to the bicycle parking in a route to the public entry. Further, the applicant is requesting to modify the pedestrian refuge surface material from concrete to asphalt between the building and parking along 13<sup>th</sup> Street and along the Plumer Avenue. Both pedestrian refuge areas would meet accessible route standards from the building to the designated accessible parking space located mainly in right of way, and to four adjacent parking spaces, as shown on the plans.

#### **Building setbacks**

Per *UDC Section 6.4.5.*, as this is an established area, the minimum street setback along Plumer Avenue is the greater of 20' or 1.5 times the height of the exterior building wall, as measured from the street front property line. Along 13<sup>th</sup> Street, the setback is 10' from the side street property line. The applicant is requesting a variance to reduce the setback to 15' for the new building along Plumer Avenue, as measured from the street front property line. The applicant is requesting a setback variance to reduce the setback to 0' for a new shade structure along 13<sup>th</sup> Street, as measured from the side perimeter yard property line.

#### **Landscaping and Screening**

Per *UDC Section 7.6*, the maximum permitted height of a screening wall is six (6) feet. As an 8' tall wall exists near the property line off of Plumer Avenue, and the applicant proposes a matching wall height along 13<sup>th</sup> Street, they are requesting to modify the screening height requirement from 6' to approximately 8' along both street fronts.

In addition, per *UDC Section 7.6*, a minimum 10' wide street landscape border is required along both 13<sup>th</sup> Street and Plumer Avenue. Due to existing site constraints, such as the location of an existing building and parking partially within right of way, the applicants propose to delete the 10' wide onsite street landscape border on both

street frontages (13<sup>th</sup> Street and Plumer Avenue), and in lieu, to maintain existing landscape and provide additional planted areas per submitted plans.

### **Discussion**

The site was built in 1960 as an office complex, and used most recently as a construction service, per Pima County Assessor records. The present building sited closest to the intersection of 13<sup>th</sup> Street and Plumer Avenue and site walls are from the original construction era, and are slated to remain.

With the proposed site change to an animal service use, the new owner is seeking to make improvements to the property. Two buildings are being added, one to the north side of the site and one to the southeast side of the lot, in place of a building to be demolished. As these site alterations exceed twenty-five percent expansion of use and or building area, full code compliance is triggered. In turn, such site improvements cause applicable parking and maneuvering, pedestrian access routes, trash service, landscaping and screening elements to be reviewed.

As existing conditions of the site limit compliance with *UDC* regulations, including an existing east site perimeter wall at 8' tall built to the east property line, existing parking partially within right of way, and the siting of the existing/remaining building, limiting pedestrian circulation in specific areas and the ability to install full width landscaping and screening, some modifications are reasonable for adaptive reuse of the site.

### **Conclusion**

Given there are special circumstances, such as existing building siting, parking partially within the right of way, and existing perimeter walls that impact the development; and given these circumstances, the property cannot be reasonably developed in conformance with *UDC* provisions; and that the proposal is the minimum requested to afford relief given the applicants are bringing the site closer into conformance with improving the property by providing strategic landscaping, minimum pedestrian access with accessible route to specific areas, trash collection location and accessible parking improvements with permission of TDOT for use in the right of way, staff can support the requested variances, with conditions.

### **NEIGHBORHOOD CONTACT (BY APPLICANTS)**

See the attached neighborhood notification dated January 16, 2019, and the meeting sign-in sheet dated January 28<sup>th</sup>, 2019.

### **PLANNING & DEVELOPMENT SERVICES RECOMMENDATION**

PDSD staff recommends approval with modification of the applicant's requested variances, subject to the following conditions:

- A. Landscape borders to be provided on 13<sup>th</sup> Street and Plumer Avenue, as shown on revised plans with the addition of appropriate trees per Code requirements.
- B. Regarding Variance #4: Provide an accessible route between buildings on site and ensure that all provided routes meet the minimum 4' width.

It is the opinion of staff that granting of the variances, with these conditions, will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located, will not be detrimental to public welfare or injurious to other property or improvements, and will not substantially diminish or impair property values within the neighborhood.

Heather Thrall, Lead Planner  
for  
Russlyn Wells, Acting Zoning Administrator

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